



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,742	03/06/2002	Seiichi Mashimo	1538.1023	5253

21171 7590 02/28/2007
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
----------	--------------

3623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/090,742

Applicant(s)

MASHIMO ET AL.

Examiner

Romain Jeanty

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 16 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 14, 17-22, 25-26 is/are rejected.
- 7) ☒ Claim(s) 7, 15 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the communication received on September 22, 2006. Group I including claims 1-15, 17-23, and 25-26 were elected without traverse. The election is acknowledged. Claims 1-15, 17-23, and 25-26 are pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 2, the limitation “to be able to”, renders the claim indefinite because it is unclear whether the limitation (s) following the phrase are part of the claimed invention. Appropriate correction is needed.

As per claim 8, the limitation “may be assigned”, renders the claim indefinite because it is unclear whether the limitation (s) following the phrase are part of the claimed invention. Appropriate correction is needed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3623

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 9-12, 17-20, and 25-26 are rejected under 35 USC 102(e) as being anticipated by Blants (US Patent No. 6,732,080).

As per claims 1, and 25, Blants discloses a system and method for providing personal calendar services. In so doing, Watanabe discloses acquiring position information of a customer registered in advance (col. 9 lines 45-59), judging whether or not an invitation to an event is to be sent to a terminal of said customer based on at least a positional relationship between said customer and a site of the event (col. 9 lines 49-60; col. 11, lines 40-51), and sending information concerning said invitation to said event to said terminal of said customer if it is judged that said invitation to said event should be sent to said customer (col. 10, lines 45-67).

As per claim 2, Blants further discloses wherein said judging step comprises a step of judging whether or not said customer exists in such an area as to be able to attend said event based on said positional relationship between said customer and said site of said event and time of said event (col. 5, lines 1-21).

Art Unit: 3623

As per claim 3, Blants further discloses whether or not said customer exists in an area from said site of said event, said area determined in accordance with a time to one of start time and end time of said event; and if it is judged that said customer exists in said area, further judging whether estimated time taken by said customer to reach said site of said event is within a time to one of said start time and said end time of said event (col. 18, lines 47-54).

As per claim 4, Blants further discloses wherein said acquiring step, said judging step, and said sending step are executed in accordance with a time to one of start time and end time of said event (col. 14, lines 27-51).

Claims 9-12 are program embedded on a medium for causing a computer to perform a processing for invitation to event of rejected method claims 1-4 above; therefore claims 9-12 are rejected under the same rationale relied upon of claims 1-4.

Claims 17-20 are an event invitation system for performing the steps of rejected method claims 1-4 above; therefore claims 17-20 are rejected under the same rationale relied upon of claims 1-4.

As per claim 26, Blants further discloses wherein said receiving step comprises a step of receiving information concerning invitation to said event from a server if said customer exists in a predetermined area that is determined in accordance with a distance from a site of said event and a time to one of start time and end time of said event (col. 18, lines 47-54).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blants (US Patent No. 6,732,080).

As per claim 5, Blants fails to explicitly disclose sending information of a movement route to said site of said event to said terminal of said customer based on said position information of said customer and a position of said site of said event. Official Notice is taken that it is old and well in the art to provide information of a movement route to a customer or user. Therefore, it would have been obvious to a person of ordinary skill in the art to incorporate this well known feature into Blants in order to guide the user into reaching the event site or location without difficulties.

Claim 13 is program embedded on a medium for causing a computer to perform a processing for invitation to event of rejected method claim 5 above; therefore claim 13 are rejected under the same rationale relied upon of claim 5.

Art Unit: 3623

Claim 21 is an event invitation system for performing the steps of rejected method claim 5 above; therefore claim 21 is rejected under the same rationale relied upon of claim 5.

8. Claims 6, 14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blants (US Patent No. 6,732,080) in view of Walker (US Patent No. 6,240,396)

As per claim 6, Blants fails to explicitly disclose judging whether or not an entrance ticket can be assigned to a customer who has requested attendance in response to said invitation to said event; and if it is judged that an entrance ticket can be assigned to at least said customer who has requested attendance, sending information concerning said entrance ticket to a terminal of said customer who has requested attendance. Walker in the same field of endeavor, discloses the concept of provide a number of options to the user in order to pinpoint the specific event that the user would like to attend and transmitting the event information to a user's terminal (col. 8, lines 1-63). Therefore, it would have been obvious to a person of ordinary skill in the art to modify the disclosures of Blants to incorporate the teachings of Walker in order to facilitate buying tickets for an event such as ballet, theater or a sporting event.

Art Unit: 3623

Claim 14 is a program embedded on a medium for causing a computer to perform a processing for invitation to event of rejected method claim 6 above; therefore claim 14 is rejected under the same rationale relied upon of claim 6.

Claim 22 is an event invitation system for performing the steps of rejected method claim 6 above; therefore claim 21 is rejected under the same rationale relied upon of claim 6.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blants (U.S. Patent No. 6,732,080) in view of Walker (US Patent No. 6,240,396)

As per claim 8, the combination of Blants and Walker teaches the cancellation of a ticket number for an event (See abstract and claim 3 of Walker), which reads on “receiving cancellation of a ticket from a customer”, but Blants and Walker fails to explicitly disclose performing processing of refunding a corresponding amount of money to said customer who canceled said ticket in response to an issuance of a ticket corresponding to said canceled ticket to another customer. However, it is old well known in the art to provide refunds to a customer when the customer cancels a purchased ticket as a means for compensating the customer for the money spent on the tickets. It would have been obvious to a person of ordinary skill in the art to incorporate this well-known feature into Blants and Walker so that the customer is refunded the value of the ticket.

Allowable Subject Matter

10. Claims 7, 15 and 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Art Unit: 3623

11. The following is a statement of reasons for the indication of allowable subject matter:

Prior art of record fails to teach or suggest the steps of receiving from a terminal of a customer, an attendance request for a plurality of persons, said attendance request including information of respective destinations to which information concerning an entrance ticket should be sent, judging whether or not entrance tickets can be assigned to said plurality of persons for said attendance request, if it is judged that said entrance tickets can be assigned to at least said plurality of persons, sending said information concerning said entrance ticket to respective terminals of said plurality of persons according to said information of said respective destinations.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Lewis (US Patent No. 6,779,720) discloses the concept of sending ticket information to a user over the Internet.

b. Scheuring et al (US 20020131565) discloses a calendaring system for displaying event information to a user.

c. Watanabe et al (U.S. Patent No. 6,405,242) **disclose a system for** sending an event information to a user including a user ID and the operated terminal.

d. Conmy (U.S. Patent No. 6,101,480) discloses a system for scheduling time intervals for a plurality of users.

e. Tognazzini (U.S. Patent No. 5,790,974) discloses a portable calendar system that automatically responds to varying conditions affecting a user's schedule.

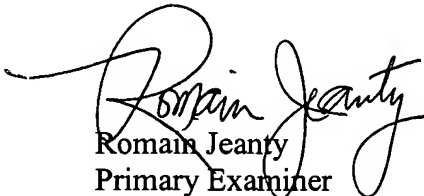
Art Unit: 3623

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 22, 2007


Romain Jeanty
Primary Examiner
Art Unit 3623